



IPW

Docket No.: 10884-00013-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
James J. Modliszewski et al.

Application No.: 10/824860

Confirmation No.: 7246

Filed: April 14, 2004

Art Unit: N/A

For: HOMOGENEOUS, THERMOREVERSIBLE
GEL FILM CONTAINING KAPPA-2
CARRAGENAN AND SOFT CAPSULES
MADE THEREFROM

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

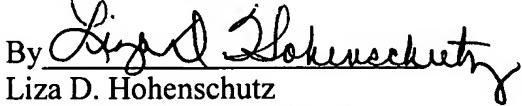
In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 10884-00013-US. A duplicate copy of this paper is enclosed.

Dated: November 8, 2005

Respectfully submitted,

By 
Liza D. Hohenschutz
Registration No.: 33,712
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19899
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

424611

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Substitute for form 1449A/B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

				Complete If Known	
				Application Number	10/824860-Conf. #7246
				Filing Date	April 14, 2004
				First Named Inventor	James J. Modliszewski
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	4	Attorney Docket Number	10884-00013-US

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
AA	2,802,000		8/6/1957	Caldwell et al.	
AB	2,813,093		11/12/1957	Caldwell et al.	
AC	2,825,727		3/4/1958	C. G. Caldwell	
AD	2,876,217		3/3/1959	E. F. Paschall	
AE	3,058,827		10/16/1962	J. L. Graham	
AF	3,094,517		6/18/1963	N. F. Stanley	
AG	3,176,003		3/30/1965	D. J. Stancioff	
AH	3,329,509		7/4/1967	A. Julius	
AI	3,378,546		4/16/1968	T. Tsuzuki	
AJ	3,499,962		3/10/1970	Warzburg et al.	
AK	3,505,110		4/7/1970	Kesler et al.	
AL	3,607,394		9/21/1971	F. J. Germino et al.	
AM	3,865,603		2/11/1975	Szymanski et al.	
AN	4,009,291		2/22/1977	Mitchell et al.	
AO	4,026,986		5/31/1977	Christen et al.	
AP	4,129,134		12/12/1978	Hind et al.	
AQ	4,231,803		11/4/1980	Bovier et al.	
AR	4,276,320		6/30/1981	A. Moirano	
AS	4,600,439		7/15/1986	Schneider et al.	
AT	4,615,897		10/7/1986	Brown et al.	
AU	4,626,288		12/2/1986	Trzasko et al.	
AV	4,632,848		12/30/1986	Gassett et al.	
AW	4,643,894		2/17/1987	S. C. Porter et al.	
AX	4,725,441		2/16/1988	S. C. Porter	
AY	4,738,724		4/19/1988	Wittwer et al	
AZ	4,795,642		1/3/1989	Cohen et al.	
ABA	4,828,841		5/9/1989	S. C. Porter	
ABB	4,935,243		6/19/1990	Borkan et al.	
ABC	5,089,307		2/18/1992	H. Ninomiya et al.	
ABD	5,146,730		9/15/1992	Sadek et al.	
ABE	5,224,989		7/6/1993	Eva Likarova	
ABF	5,334,640		8/2/1994	Desai et al.	
ABG	5,342,626		8/30/1994	P. E. Winston, Jr. et al.	
ABH	5,451,673		9/19/1995	Fishman et al.	
ABI	5,484,598		1/16/1996	Schurig et al.	
ABJ	5,549,983		8/27/1996	J. Yamanis	
ABK	5,525,368		6/11/1996	Rha et al.	
ABL	5,550,178		8/27/1996	Desai et al.	
ABM	5,554,385		9/10/1996	N. Stroud	
ABN	5,587,412		12/24/1996	G. Bochers et al.	
ABO	5,620,757		4/15/1997	H. Ninomiya et al.	
ABP	5,646,206		7/8/1997	D. R. Coffin et al.	
ABQ	5,656,294		8/12/1997	Friend et al.	
ABR	5,672,699		9/30/1997	R. L. Billmers et al.	
ABS	5,726,008		3/10/1998	J. E. Maskasky	

Examiner Signature	Date Considered
--------------------	-----------------

Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/824860-Conf. #7246
				Filing Date	April 14, 2004
				First Named Inventor	James J. Modliszewski
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	2	of	4	Attorney Docket Number	10884-00013-US

	ABT	5,804,243	9/8/1998	Loh et al.	
	ABU	5,811,388	9/22/1998	Friend et al.	
	ABV	5,817,323	10/6/1998	Hutchinson et al.	
	ABW	5,932,639	8/3/1999	Eden et al.	
	ABX	5,976,586	11/2/1999	L. Feller	
	ABY	6,030,641	2/29/2000	Yamashita et al.	
	ABZ	6,063,915	5/16/2000	Hansen et al.	
	ACA	6,066,368	5/23/2000	Billmers et al.	
	ACB	6,143,324	11/7/2000	Michaud et al.	
	ACC	6,146,570	11/14/2000	A. J. Stern	
	ACD	6,210,709	4/3/2001	Laba et al.	
	ACE	6,214,376	4/10/2001	A. Gennadios	
	ACF	6,331,205	12/18/2001	L. Paris	
	ACG	6,375,981	4/23/2002	G. M. Gilleland et al.	
	ACH	6,387,354	5/14/2002	Bixler et al.	
	ACI	6,479,649	11/12/2002	Tsai et al.	
	ACJ	6,517,865	2/11/2003	Cade et al.	
	ACK	6,528,088	3/4/2003	Gilleland et al.	
	ACL	6,607,748	8/19/2003	V. Lenaerts et al.	
	ACM	6,649,188	11/18/2003	Gilleland et al.	
	ACN	6,790,495	9/14/2004	Tomka et al.	
	ACO	2002/0081331	6/27/2002	K. E. Tanner et al.	
	ACP	2002/0142031	10/3/2002	G. M. Gilleland et al.	
	ACQ	2003/0138482	7/24/2003	L. G. Fonkwe et al.	
	ACR	2004/0087669	5/6/2004	S. Hausmanns et al.	
	ACS	2005/0069579	3/31/2005	R. Kamaguchi et al.	
	ACT	2005/0070703	3/31/2005	R. Muller et al.	
	ACU	2005/0163833	7/28/2005	R. Muller	
	ACV	2005/0089548	4/28/2005	Virgalito et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
BA	EP 0 169 319		1/29/1986	Berwind Pharmaceutical Services, Inc.	
BB	EP 0 400 484		12/5/1990	Mitsubishi Rayon Co., LTD	
BC	EP 0 408 503		1/16/1991	Warner-Lambert Company	
BD	EP 0 409 781		1/23/1991	Warner-Lambert Company	
BE	EP 0 409 782		1/23/1991	Warner-Lambert Company	
BF	EP 0 409 788		1/23/1991	Warner-Lambert Company	
BG	EP 0 471 558		2/19/1992	Unilever NV	
BH	EP 0 547 551		6/23/1993	National Search and Chemical Investment Holding Corporation	
BI	EP 0 606 486		7/20/1994	Teijin Limited	
BJ	EP 0 622 408		11/2/1994	CP Kelco ApS	
BK	EP 0 633 896		1/18/1995	National Search and Chemical Investment Holding Corporation	
BL	EP 0 761 691		3/12/1997	National Search and Chemical Investment Holding Corporation	

Examiner Signature	Date Considered
--------------------	-----------------

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				<i>Complete if Known</i>	
				Application Number	10/824860-Conf. #7246
				Filing Date	April 14, 2004
				First Named Inventor	James J. Modliszewski
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	3	of	4	Attorney Docket Number	10884-00013-US

	BM	JP 5-4914	1/14/1993	Asahi Chemical Ind; Fuji Capsule KK		
	BN	JP 7-196478	8/1/1995	Sugii Hajime		
	BO	WO 94/25493	11/10/1994	The United States of America		
	BP	WO 97/49762	12/31/1997	Oy Polymer Corex Kuopio Ltd.		
	BQ	WO 99/07347	2/18/1999	Paris, Laurence		
	BR	WO 00/10538	3/2/2000	Banner Pharmacaps, Inc.		
	BS	WO 00/18835	4/6/2000	Warner-Lambert Company		
	BT	WO 01/37817	5/31/2001	Greither, Peter		
	BU	WO 01/91721	12/6/2001	A.E. Staley Manufacturing Co.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T ²
	CA	de Vries J., "Interaction of carrageenan with other ingredients in dairy dessert gels", Gums and stabilisers for the food industry 11: proceedings of the 11th conference, Wrexham, vol. 11 (2002), no. -, pages 201-210, July 2001				
	CB	R. Falshaw et al., "Structure and performance of commercial K-2 carrageenan extracts", Food Hydrocolloids, vol. 17, pages 129-139, 2003				
	CC	FMC BioPolymer, "Carrageenan Matrices for Entrapment", Issue No. 1, April 1993				
	CD	Henry J. Witt, "Carrageenan Nature's Most Versatile Hydrocolloid", pages 347-360, 1985				
	CE	Glicksman, M., "Gum Technology in the Food Industry", Academic Press, pages 213-228, 1969				
	CD	C. J. Lawson et al., "Carrageenans", J.C.S. Perkin I, pages 2177-2182, 1973				
	CE	H. J. Bixler, "Recent developments in manufacturing and marketing carrageenan", Hydrobiologia, pages 35-57, 1996				
	CF	M. C. Matulewicz et al., "Carrageenan Systems from Tetrasporic or Cystocarpic Stages of Gigartina Skottsbergii", Phytochemistry, vol. 28, pages 2937-2941, 1989				
	CG	M. C. Matulewicz et al., "Methylation Analysis of Carrageenans from Tetrasporic and Cystocarpic Stages of Gigartina Skottsbergii", Phytochemistry, vol. 29, no. 11, pages 3407-3410, 1990				
	CH	C. Rochas et al., "Relation Between the Molecular Structure and Mechanical Properties of Carrageenan Gels", "Carbohydrate Polymers", vol. 10, pages 115-127, 1989				
	CI	Stancioff, D. J. and Stanley, N. F., "Infrared and Chemical Studies on Algal Polysaccharides", Prod. Intl. Seaweed Symp. 6, pages 595-609, 1969				
	CJ	Bellion, C. et al., "Analysis of Kappa-Iota Hybrid Carrageenans with Kappa-Carrageenase, Iota-Carrageenase and ¹³ C N.M.R.", Xth International Seaweed Symposium, Walter de Gruyter & Co., Berlin-New York, pages 379-384, 1981				
	CK	Peats, S., "The Infrared Spectra of Carrageenans Extracted from Various Algae", Xth International Seaweed Symposium, Walter de Gruyter & Co., Berlin-New York, pages 495-502, 1981				
	CL	JP 5-4914 English language Abstract (espace.net)				
	CM	JP 7-196478 English language Abstract (European Patent Office)				

Examiner Signature	Date Considered
--------------------	-----------------

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				<i>Complete if Known</i>	
				Application Number	10/824860-Conf. #7246
				Filing Date	April 14, 2004
				First Named Inventor	James J. Modliszewski
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	4	of	4	Attorney Docket Number	10884-00013-US

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

427001

Examiner Signature	Date Considered	
--------------------	-----------------	--

Application No. (if known): 10/824860

Attorney Docket No.: 10884-00013-US

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 11/8/05.
Date



Signature

Amy L. Hamm

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

IDS (Citation) by Applicant (4 pages)
Copies of 36 References
Information Disclosure Statement
Return Postcard